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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,312	08/08/2000	Mikio Kurihara	JP9-1999-0161US1(8728-410	5044

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EXAMINER

DUONG, THOI V

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/634,312	KURIHARA ET AL.
Examiner	Art Unit	
Thoi V Duong	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 06 March 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

6) Other: \_\_\_\_\_

## DETAILED ACTION

1. This office action is in response to the Amendment, Paper No. 5, filed March 06, 2003.

Accordingly, claims 1, 5, 8, 10, 12 and 13 were amended. Currently, claims 1-14 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori et al. (USPN 5,852,487) in view of Kishimoto et al. (USPN 6,339,462 B1).

As shown in Fig. 1, with respect to claims 1, 2 and 10-12, Fujimori et al. discloses a touch sensor type liquid crystal display comprising:

a liquid crystal display panel 200a having first and second substrates 1, 2 arranged oppositely to each other by a specified gap; gap controlling spacers 11 formed of columnar shape for restricting a width of the gap and a spacer movement in a planar direction, wherein said gap controlling spacer is brought into surface-contact with one selected from the first and second substrates, the gap therebetween being restricted by the gap controlling spacer (col. 8, lines 58-64);

a touch sensor 200b added to the liquid crystal display panel including fixed and movable electrode plates 2 and 3; and

a grid 14 arranged between the fixed and movable electrode plates, wherein arranging positions of said gap controlling spacer and said grid are coincident with each other;

wherein said gap controlling spacers are regularly arranged in a planar direction of the liquid crystal display panel (col. 8, lines 62-64) and arranged in a black matrix region of the liquid crystal display panel (col. 20, lines 30-38); and

wherein said movable and fixed electrode plates are made of plastic films (col. 8, lines 28-57).

With respect to claims 5-9, Fujimori et al. further discloses that the touch sensor type liquid crystal display is a color display (col. 20, lines 38-41) wherein the first and second substrates of the liquid crystal display panel are arranged oppositely to each other by interpolating a liquid crystal layer, said movable electrode plate serves as a touch sensor arranged oppositely to the second substrate by a specified gap, and a conductive film 5a is provided to serve as a touch sensor formed on a surface of the second substrate which faces the movable electrode plate (col. 8, lines 8-13). Fujimori et al. discloses a touch sensor type liquid crystal display that is basically the same as that recited in claims 5-9 except that the second substrate is not defined as color filter substrate. However, it is well-known in the art that a color filter is formed on a second substrate of the liquid crystal display for realizing color image display (as shown in Applicant's Prior Art Fig. 13).

Fujimori et al. discloses a touch sensor type liquid crystal display that is basically the same as that recited in claims 1, 2 and 5-12 except that each of the spacers are not formed by two members with one of the two members contacting the first substrate and the other of the two members contacting the second substrate and the two members contacting each other at a point intermediate between the first and second substrates. As shown in Fig. 1, Kishimoto et al. discloses a liquid crystal display device 100 comprising spacers formed by two members, 16 and 20, with one of the two members 16 contacting a first substrate 100a and the other of the two members 20 contacting a second substrate 100b and the two members contacting each other at a point intermediate between the first and second substrates (see also Fig. 8A and col. 12, lines 27-37). Kishimoto et al. discloses that, with the formation of the spacers, a numerical aperture can be increased and a brightness of a display can be improved (col. 13, lines 41-45). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the touch sensor type liquid crystal display of Fujimori et al. with the teaching of Kishimoto et al. by having the gap controlling spacers formed by two members with one of the two members contacting the first substrate and the other of the two members contacting the second substrate and the two members contacting each other at a point intermediate between the first and second substrates so as to improve the brightness of the display.

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanawana et al. (JP 2000-227596) in view of Kishimoto et al. (USPN 6,339,462 B1).

As shown in Figs. 11B and 12, Yanawana et al. discloses a liquid crystal display comprising:

a liquid crystal display panel having first and second substrates 1A and 1B arranged oppositely to each other by a specified gap; and

gap controlling spacers 10, each of which restricts a width of the gap and a spacer movement in a planar direction,

wherein arranged densities of said gap controlling spacers are not uniform; and

wherein an arranged density of said gap controlling spacers is high in a center of the liquid crystal display panel as shown in Figs. 24A and 24B (see Detail Description, paragraphs 198-202).

Yanawana et al. discloses a touch sensor type liquid crystal display that is basically the same as that recited in claims 13 and 14 except that each of the spacers are not formed by two members with one of the two members contacting the first substrate and the other of the two members contacting the second substrate and the two members contacting each other at a point intermediate between the first and second substrates. As shown in Fig. 1, Kishimoto et al. discloses a liquid crystal display device 100 comprising spacers formed by two members, 16 and 20, with one of the two members 16 contacting a first substrate 100a and the other of the two members 20 contacting a second substrate 100b

and the two members contacting each other at a point intermediate between the first and second substrates (see also Fig. 8A and col. 12, lines 27-37). Kishimoto et al. discloses that, with the formation of the spacers, a numerical aperture can be increased and a brightness of a display can be improved (col. 13, lines 41-45). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the touch sensor type liquid crystal display of Fujimori et al. with the teaching of Kishimoto et al. by having the gap controlling spacers formed by two members with one of the two members contacting the first substrate and the other of the two members contacting the second substrate and the two members contacting each other at a point intermediate between the first and second substrates so as to improve the brightness of the display.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori et al. (USPN 5,852,487) in view of Kishimoto et al. (USPN 6,339,462 B1) as applied to claims 1, 2 and 5-12 above and further in view of Hatano et al. (USPN 6,331,881 B1).

The touch sensor type liquid crystal display of Fujimori et al. as modified in view of Kishimoto et al. above includes all that is recited in claim 3 except for arranging densities of said gap controlling spacers according to the number of times of touching the touch sensor. As shown in Fig. 3, Hatano discloses a liquid crystal display comprising a plurality of gap controlling spacers (col. 6, lines 56-61) having different densities in regions B1-B4 to suppress change in display state which may caused by an externally applied pressure even if the plate is soft

(col. 11, lines 1-7). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the touch sensor type liquid crystal display of Fujimori with the teaching of Hatano by arranging densities of the gap controlling spacers according to the number of times of touching the touch sensor to obtain a high self-holding property and achieve a sufficient contrast for the display.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori et al. in view of Kishimoto et al. (USPN 6,339,462 B1) as applied to claims 1, 2 and 5-12 above and further in view of Yanawana et al. (JP 2000-227596).

The touch sensor type liquid crystal display of Fujimori et al. as modified in view of Kishimoto et al. above includes all that is recited in claim 4 except for a high density of said gap controlling spacers in a center of the liquid crystal display panel. As shown in Figs. 11A, 24A and 24B, Yanawana discloses a liquid crystal display wherein gap controlling spacers 10 are regularly arranged in a planar direction of the liquid crystal display panel and an arranged density of said gap controlling spacers is high in a center of the liquid crystal display panel (see Detailed Description, paragraphs 198-202). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the touch sensor type liquid crystal display of Fujimori with the teaching of Yanagawa by arranging a high density of said gap controlling spacers in a center of the liquid crystal display panel for preventing bending at the center of the display.

**Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (703) 308-3171. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (703) 305-3492.

Thoi Duong *TVD*  
05/18/2003

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